

NO. X06-UWY-CV18-6046436-S	:	APPELLATE COURT
	:	
ERICA LAFFERTY ET AL.	:	
	:	STATE OF CONNECTICUT
	:	
V.	:	
	:	
ALEX EMRIC JONES ET AL.	:	JANUARY 12, 2023
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NO: X06-UWY-CV18-6046437-S	:	APPELLATE COURT
	:	
WILLIAM SHERLACH	:	STATE OF CONNECTICUT
	:	
V.	:	
	:	
ALEX EMRIC JONES	:	JANUARY 12, 2023
. . . . .	:	. . . . .
NO: X06-UWY-CV18-6046438-S	:	APPELLATE COURT
	:	
WILLIAM SHERLACH	:	STATE OF CONNECTICUT
	:	
V.	:	
	:	
ALEX EMRIC JONES	:	JANUARY 12, 2023

**MOTION FOR IMMEDIATE INTERIM STAY PENDING MOTION FOR REVIEW**

The Respondent, Attorney Norman A. Pattis, in accordance with Practice Book §§ 61-14 and 66-6, respectfully moves this Court for an immediate order for interim stay of the trial court's (*Bellis, J.*) judgment, issued on Jan. 5, 2023, suspending the Respondent from the practice of law for six months, pending the filing of and ruling on a Motion for Review of the trial court's denial of his Motion for Stay During Appeal or Writ of Error Proceedings. The trial court denied that motion on Jan. 11, 2023. The Respondent is preparing a Motion for Review and Writ of Error to challenge the trial court's decisions.

## **I. BRIEF HISTORY OF THE CASE**

The Respondent represented the defendants in the underlying consolidated trial court cases in the Complex Litigation Docket of the Superior Court at the Waterbury Judicial District. He litigated the cases through trial and verdict, which is presently on appeal in this Court where it is docketed under A.C. 46131.

The trial court, on Aug. 4, 2022, issued to the Respondent an Order to Show Cause to address whether he violated the Rules of Professional Conduct concerning the disclosure of discovery material, which included confidential medical records and other information, to other attorneys who represented his clients in related matters. Following evidentiary hearings and briefs, the trial court, in a decision issued on Jan. 5, 2023, found that the Respondent violated Rules of Professional Conduct 1.1, 1.15(b), 3.4(3), 5.1(b), 5.1(c) and 8.4(4). The trial court thereby ordered the Respondent suspended from the practice of law in Connecticut for six months, effective immediately.

Thereafter, on Jan. 6, the Respondent moved the trial court for a stay of its suspension order during appeal or writ of error proceedings, so that he may continue to practice law while this Court reviews the trial court's suspension order. The trial court sustained the objection to that motion by Disciplinary Counsel and denied the stay on Jan. 11, 2023.

## **II. SPECIFIC FACTS**

Attorney Pattis has been admitted to practice law in Connecticut since November 1993 and had no history of discipline prior to the trial court's decision to suspend his law license. He is a principal of the firm of Pattis and Smith in New Haven, a busy and

active law firm representing hundreds of clients, many of whom have complex criminal cases and who rely on him for advice, counsel and representation.

Attorney Pattis is presently on trial in federal court in Washington D.C. in a significant and serious case arising out of the January 6, 2021 alleged riot and insurrection at the U.S. Capitol in which he represents Joseph Biggs, one of the alleged ringleaders of an alleged conspiracy against the U.S. government. That Court is awaiting a final determination of the issue of a stay before ruling on whether Pattis can remain in that case, and has delayed opening statements and a decision on Pattis's status until there is a ruling on the stay.

He is also counsel for the Defendant Alex Jones and other defendants in the cases underlying this disciplinary action wherein a judgment of \$1.4 billion was entered against his clients which his clients have appealed and in which he possesses not only crucial knowledge of the underlying case but also the trust of his clients. These defendants would be harmed if he were unable to prosecute their appeal and they were forced to hire new counsel and bring them effectively up to speed sufficiently to adequately litigate their appellate rights in a timely manner, thus depriving them of due process of law.

The Respondent has prepared a Writ of Error challenging the trial court's decision to suspend his law license and a Motion for Review of the trial court's decision denying his motion to stay the execution of that suspension order pending the Writ of Error.

### **III. LEGAL GROUNDS**

The Respondent relies upon Practice Book § 61-14 which provides in relevant part

The sole remedy of any party desiring the court to review an order concerning a stay of execution shall be by motion for review under Section 66-6...In any case in which there is no automatic stay of execution and in which the trial court denies, or refuses to rule on, a motion for stay, an aggrieved party may file a motion requesting a stay of execution of the judgment from the court having appellate jurisdiction pending the filing of and ruling upon a motion for review. The motion must be filed with the appellate clerk.

### **IV. ARGUMENT**

Fairness and equity demand that Atty. Pattis' suspension be stayed pending this Court's review on a Writ of Error of the trial court's decision. If Atty. Pattis's suspension continues for six months as ordered without a stay, only to have this Court ultimately reverse the trial court, he will not be able to get back those six months of law practice. If this Court affirms the trial court's suspension of Atty. Pattis' law license and the suspension is stayed during that review, then Atty. Pattis will serve the suspension as originally ordered. Atty. Pattis will make that argument and others in an upcoming Motion for Review. At this juncture, Atty. Pattis is asking this Court to grant an immediate interim stay of the trial court's order while he prepares and the Court considers such a Motion for Review.

In making a determination as to whether to issue a stay, courts must balance the equities, as elucidated in *Griffin Hospital v. Commission on Hospitals & Health Care*, 196 Conn. 451, 493 (1985), which counsels the court to apply 'familiar equitable principles in the context of adjusting the rights of the parties during the pendency of the litigation until a final determination on the merits.' *Id.*, 456. While approving a general 'balancing of the

equities test' as the benchmark for granting or denying a motion for stay, *Griffin* also recites a list of non-exclusive factors that a court should consider including the likely outcome on appeal, whether the movant faces irreparable prospective harm from the enforcement of the judgment, and the effect of the delay occasioned by a stay upon the non-moving parties. *Id.*, 456-57. The court may also consider "the public interest involved." (Footnote omitted.) *Griffin Hospital v. Commission on Hospitals & Health Care*, *supra*, 456.

Here, the equities militate in favor of an interim stay. For that reason mainly the Respondent is likely to prevail on a Motion for Review of the trial court's denial of his motion for a stay.

The Respondent has a strong case on appeal, one which may even be a case of first impression in Connecticut. Although this Court and our Supreme Court have upheld the Superior Court's inherent authority to discipline attorneys, the Respondent's case is not one in which the conduct occurred in the presence of the trial court or was even initiated through a motion by an opposing party. Indeed, the trial court learned of the possible violation through media reports and issued an order to show cause *sua sponte*. The trial court, with the underlying matters scheduled for trial before it, did not refer the potential disciplinary matter to another judge or to a grievance panel, but heard it herself. Following those proceedings, the same judge tried a case to verdict, with the Respondent representing the defendants. The suspension came only after the trial and judgment concluded and went up on appeal. The Respondent will likely ask this Court to review the trial court's process and decisions for constitutional due process violations, among other errors, in his ensuing Writ of Error.

Moreover, without minimizing the seriousness of the conduct for which the Respondent was disciplined, a six-month suspension is a disproportionate punishment for the misconduct found by the trial court: the transmission of the plaintiffs' personal financial and medical records to three attorneys of record for the defendants (the Respondent's clients) in related cases wherein there was no public disclosure of the records and no showing that any of these attorneys even read or examined any of the records.

The irreparability of the injury the Respondent would suffer if the trial court's suspension order is immediately executed is significant and weighs most heavily in favor of issuing a stay. The denial of a stay would effectively moot the Respondent's appellate review, as his suspension would almost certainly be fully served before resolution of his Writ of Error. Moreover, the effect of denying a stay would harm other parties to the proceeding: the defendants in the underlying civil case and its appeal would be effectively denied their counsel of choice and the plaintiffs would certainly suffer further delay if the defendants should be forced to seek other counsel who would then have to be brought up to speed in a matter that can only be described as *sui generis* as to both its factual and procedural complexity. The judiciary's interest in administering and imposing professional discipline-- not as punishment, but rather to enforce its standards and norms of attorney conduct for the protection of the public, the faith of the public in the court and the guidance of the legal profession-- would not be hindered or interfered with by staying the discipline order and allowing the orderly disposition of the Motion for Review, Writ of Error and appeals of the underlying cases,

as well as any arrangements Atty. Pattis may need to make for his other clients and cases, including the federal trial in which he is presently involved.

In the instant context—an interim stay pending a Motion for Review—there is even less potential harm that can befall the opposing parties should the Court issue a stay because a Motion for Review is a relatively quick proceeding compared to a full appeal.

## **V. CONCLUSION**

For the foregoing reasons, the Respondent respectfully requests that this Court issue an immediate interim stay of the trial court's January 5 judgment, thereby reinstating his license to practice law in Connecticut, which is to remain in effect at least until the filing and ruling of his Motion for Review of the trial court's denial of his Motion for Stay During Appeal or Writ of Error Proceedings.

The undersigned has contacted the other parties to this matter, and Attorney Staines objects, while Attorney Levseque consents, to the granting of this motion.

Respectfully Submitted,

Norman A. Pattis, Respondent

BY: s/Kevin Smith/s  
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**ORDER**

The foregoing having been heard; it is hereby ordered:

**GRANTED / DENIED**

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Judge/Clerk



## **CERTIFICATIONS**

The undersigned hereby certifies the following:

That the foregoing has been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided, pursuant to PB § 67-2(b):

Brian B. Staines, Esq.  
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That the foregoing has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, pursuant to PB § 67-2(i)(3);

That the foregoing complies with all other applicable provisions of the Practice Book.

/s/ Kevin M. Smith